

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re FOREIGN EXCHANGE BENCHMARK	:	13 Civ. 7789 (LGS)
RATES ANTITRUST LITIGATION.	:	
	:	<u>ORDER</u>
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on September 3, 2019, a class was certified with respect to two issues pursuant to Federal Rule of Civil Procedure 23(c)(4) (Dkt. No. 1331), on April 22, 2022, Defendants filed a motion to decertify the class (Dkt. No. 1678), and the parties can expect a decision on that motion in the near future;

WHEREAS, on July 5, 2022, the Court advised the parties that the trial in this matter may need to be adjourned and directed the parties to file a letter stating how many trial days they estimated to present their case in chief (Dkt. No. 1695);

WHEREAS, on July 12, 2022, the parties filed a joint letter stating the amount of time each side estimated to present their case in chief (Dkt. No. 1699);

WHEREAS, on August 19, 2022, the parties filed simultaneous but separate proposed jury instructions, voir dire questions and verdict sheets, contrary to the instruction in the Order at Dkt. No. 1653 and the Court's Individual Rules to file to file "joint" proposals. It is hereby

ORDERED that the scope of the trial will be limited to the two issues certified for class treatment, as reflected in the parties' submissions. It is further

ORDERED that the trial will begin on October 11, 2022, as currently scheduled, and continue from day to day (on business days) until concluded. The parties shall be prepared for jury selection, opening statements and the beginning of testimony on the first day of trial. After the first day, the parties shall be prepared to present five hours of testimony per day beginning at

10:00 A.M. and concluding at approximately 4:45 P.M. Based on the Court's experience with the case and the limited scope of issues to be tried, the parties will have 16 hours each for opening statements, direct and cross, i.e., any time that counsel are on their feet other than summations. Time limits for summations will be determined later. It is further

ORDERED that, after the parties have filed their joint proposed final pretrial order on August 26, 2022, including a list of proposed exhibits showing objections as required by the Court's individual rules, the parties shall meet and confer in an effort to resolve disputes over the admissibility of exhibits. The parties shall file, by **September 9, 2022**, (1) a revised exhibit list reflecting any additional exhibits that can be pre-admitted based on the parties' discussions and (2) a joint letter reflecting the parties' respective arguments about the admissibility of up to five groups of exhibits per side. The Court has a practice of pre-admitting exhibits to the extent possible to conserve the parties' limited trial time and the jury's time and avoid unnecessary procedural matters surrounding the admission of exhibits. The Court will not permit speaking objections or sidebars to deal with objections. It is further

ORDERED that, by **September 9, 2022**, the parties shall meet and confer and file joint proposed jury instructions and voir dire. In preparing proposed jury instructions, even where the parties have substantive disagreements, the parties shall endeavor to agree on as much of the language of the instructions as possible and to narrow any disputed language to specific areas that will be affected by the resolution of legal disputes. The parties shall indicate proposed alternative language for any portions on which the parties do not agree and may provide authority supporting the parties' respective positions pursuant to the Court's Individual Rule IV.B.5. It is further

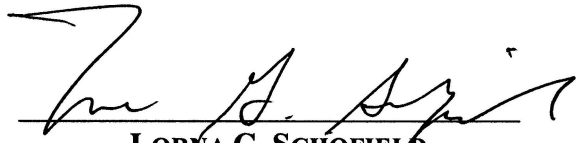
ORDERED that a status conference will be held on **September 19, 2022, at 2:30 P.M.**, to address any pretrial issues. The parties shall join the conference by dialing (888) 363-4749 and

using then access code 558-3333. The parties shall file a joint letter by **September 15, 2022**, with any issues that they want to discuss at the September 19 conference. It is further

ORDERED that, the application in the parties' joint letter at Dkt. No. 1837 is **GRANTED** in part and **DENIED** in part. The parties may omit Fed. R. Evid. 1006 summaries and demonstratives from the final pretrial order due on August 26, 2022. By **September 15, 2022**, the parties shall file a proposed joint trial procedures stipulation. It is further

ORDERED that an in-person final pre-trial conference will be held on **October 3, 2022**, at **12:00 P.M.**, to discuss the preliminary charge and voir dire. The conference will be held in Courtroom 1106 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, 10007.

Dated: August 24, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE